

PUBLIC NOTICE  
State of South Carolina  
Department of Health and Environmental Control  
Bureau of Water  
2600 Bull Street  
Columbia, SC 29201

Public Notice No. DHEC-2005-019-C

July 22, 2005

BACKGROUND INFORMATION

Nationwide permits (NWP) are general permits issued by the U. S. Army Corps of Engineers (Corps) on a nationwide basis to authorize minor activities with little delay or paperwork for categories of activities when those activities are similar in nature and cause only minimal individual and cumulative environmental impacts. State Water Quality Certification pursuant to Section 401 of the Clean Water Act, or waiver thereof, is required prior to issuance or reissuance of the nationwide permits that may result in a discharge into waters of the United States. The South Carolina Department of Health and Environmental Control (SCDHEC) must take action on the nationwide permits in accordance with provision of Section 401 of the Clean Water Act and all of the nationwide permits must be reviewed for consistency with the Coastal Zone Management Program (CZC).

The SCDHEC is considering modifying the 401 and CZC conditions of the following nationwide permits:

- 3. Maintenance
- 7. Outfall Structures and Maintenance
- 12. Utility Line Activities
- 13. Bank Stabilization
- 14. Linear Transportation Crossings
- 18. Minor Discharges
- 19. Minor Dredging
- 23. Approved Categorical Exclusions
- 27. Stream and Wetland Restoration Activities
- 29. Single-family Housing
- 31. Maintenance of Existing Flood Control Facilities
- 32. Completed Enforcement Actions
- 33. Temporary Construction, Access and Dewatering
- 36. Boat Ramps
- 38. Cleanup of Hazardous and Toxic Waste
- 39. Residential, Commercial, and Institutional Development
- 40. Agricultural Activities
- 41. Reshaping Existing Drainage Ditches
- 43. Stormwater Management Facilities

All other NWPs will remain the same as certified on March 15, 2002. A copy of this certification and the conditions for each NWP are available at <http://www.scdhec.net/water/html/401.html#nationwide>.

A copy of the modified 401/CZC conditions under consideration is attached. A redline/overstrike version of the conditions is available at <http://www.scdhec.gov/water/pubs/NWPredline.pdf>.

Any comments concerning potential water quality impacts and/or coastal zone issues regarding the NWP's being considered for modification may be submitted in writing within thirty days from the date of this Notice. Comments will be received until 5:00 PM on August 22, 2005 and should be submitted to:

SCDHEC

Attn: B. Quinton Epps, Manager

Water Quality Certification, Standards and Wetlands Programs Section

2600 Bull Street

Columbia, SC, 29201

Upon consideration of all comments received, SCDHEC will issue a Notice of Proposed Decision (NOPD) to agencies having jurisdiction or interest in the action and persons providing comments in response to this notice. If you would like to receive a copy of the NOPD, you must respond to this notice. Aggrieved parties have rights to appeal the proposed decision.

South Carolina Department of Health and Environmental Control  
Nationwide Permit 401 and CZC Specific Conditions  
2005 Proposed Modifications

NWP 3 - Maintenance

Conditions of the 401 Water Quality Certification:

1. This NWP does not apply to canals dug for boating access, or access to docks, marinas, boat ramps, or boat slips.
2. Any deviation from the original footprint, configuration or fill area that exceeds 0.10 acre of impact is not authorized and will not be processed under this NWP.

Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

NWP 7 - Outfall Structures and Maintenance

Conditions of the 401 Water Quality Certification:

1. Upon project completion, all disturbed riverbeds and wetlands must be restored to their original contours and conditions to the maximum degree practicable. Also, wetlands should be revegetated, if necessary.
2. The term "activities related to the construction of outfall structures" shall be interpreted to mean activities in the immediate vicinity of the outfall that are necessary for construction or operation of the outfall (e.g. pump equipment, rip-rap). It shall not include ancillary activities such as construction of access roads, installation of utility lines leading to or from the outfall or intake structures, construction of buildings, distant activities, etc. These activities must be reviewed separately.
3. This NWP must not be used in areas of known or suspected sediment contamination.

Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

NWP 12 - Utility Line Activities

Conditions of the 401 Water Quality Certification:

1. The Corps will provide SCDHEC notification by copy furnishing the Preconstruction Notification (PCN), the application package information and the Corps permit tracking number. This will include all the information provided to the Corps in accordance with the Corps General Condition #13, if the discharge of dredged or fill material impacts greater than 0.10-acre or 500 linear feet. A compensation plan must be submitted and approved by the Department for projects with impacts exceeding 0.10-acre or 500 linear feet.
2. Utility lines must cross perpendicular (to the extent practicable) to the aquatic site area.
3. If the project involves more than 10 aquatic site crossings (not including directionally bored crossings), the project will not be processed under this NWP.
4. Impacts to aquatic sites must be limited to a maximum temporary or permanent construction or maintenance easement width of 50 feet (this includes filling, excavation, and clearing).

5. The maximum amount of area allowed to be permanently filled (not including the area backfilled for pipe placement) must be 0.10-acre, including pump station and access road, if required.
6. Access to the project site must be attained from highland when practicable. When this is not practicable, access must be attained by floating barges or mats instead of barge canals or causeways.
7. All excavated material must be side cast away from stream and must not be stockpiled in the adjacent wetlands, but placed on barges or high ground, when possible. If the excavated material is temporarily placed in wetlands, it must be placed at intervals to allow for adequate circulation in the adjacent waters, including wetlands. All excess excavated materials that are hauled off site or placed on high land must be properly contained and permanently stabilized to prevent erosion.
8. The installation of power poles under this NWP is allowed.
9. All intake structures must be screened to prevent entrainment of juvenile and larval organisms and the inflow velocity must be limited to <0.5 ft/sec.
10. Upon completion of construction activities, all disturbed areas must be restored to their original contours and must be permanently stabilized with a vegetative cover (native species). This may include planting trees, shrubs, vines or ground cover.

Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, plus the following condition, are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

1. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence. If allowed, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. The plan must include an identification of all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

NWP 13 - Bank Stabilization

Conditions of the 401 Water Quality Certification:

(none)

Regional Conditions of the Coastal Zone Consistency Certification:

(none)

NWP 14- Linear Transportation Projects

Conditions of the 401 Water Quality Certification:

1. The Corps will provide SCDHEC notification by copy furnishing the Preconstruction Notification (PCN), the application package information and the Corps permit tracking number. This will include all the information provided to the Corps in accordance with the Corps General Condition #13, if the discharge of dredged or fill material impacts greater than 0.10-acre or 300 linear feet. A compensation plan must be submitted and approved by the Department for projects with impacts exceeding 0.10-acre or 300 linear feet.
2. Impacts authorized under this NWP must be limited to minor road crossings only.
3. Linear transportation projects must cross perpendicular (to the extent practicable) to the aquatic site area. Impacts authorized under this NWP must be limited to two crossings per single and complete project (as defined in the General Conditions) and must be in non-tidal wetlands only.
4. Impacts authorized under this NWP may not exceed 0.25 acre of special aquatic sites, including

wetlands, or 300 linear feet of stream.

5. All crossings must be culverted, bridged or otherwise designed to prevent the restriction of, and to withstand, expected high flows and tidal flows, to maintain flows through the floodplain during flow events exceeding bankfull, and to prevent the restriction of low flows and the movement of aquatic organisms. All culverts must be adequately sized, designed, installed and maintained to prevent erosion and to provide adequate passage for aquatic life and anadromous fishes occurring naturally in the vicinity of the culvert.

6. For all new private roads or widening projects of existing private roads, the top width will be limited to a maximum of 16'.

7. Access to the project site must be attained from high ground, from the portion of the bridge already completed ("end on end" construction) or from floating barges or mats (instead of canals or causeways).

8. Projects accessing large tracts under single ownership must include a description of all the related project impacts that may result from the road construction and submit a master plan. The plan must include an identification of all water resource impacts/activities, drainage patterns, conceptual development plans, and a compensation plan.

#### Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, plus the following conditions, are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

1. Activities in the critical areas (as defined in 48-39-10, R 30.1(D) and R 30.10) require a direct permit from SCDHEC-OCRM. OCRM's action on direct critical area permits will serve as its consistency determination for the critical area activity.

2. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence. If allowed, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. The plan must include an identification of all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

#### NWP 18 - Minor Discharges

##### Conditions of the 401 Water Quality Certification:

(none)

##### Regional Conditions of the Coastal Zone Consistency Certification:

(none)

#### NWP 19 - Minor Dredging

##### Conditions of the 401 Water Quality Certification:

(none)

##### Regional Conditions of the Coastal Zone Consistency Certification:

(none)

### NWP 23 - Approved Categorical Exclusions

#### Conditions of the 401 Water Quality Certification:

1. This nationwide permit is not applicable for impacts in special aquatic sites, including wetlands.

### NWP 27 - Stream and Wetland Restoration Activities

#### Conditions of the 401 Water Quality Certification:

1. The Corps will provide SCDHEC notification by copy furnishing the Preconstruction Notification (PCN), the application package information and the Corps permit tracking number. This will include all the information provided to the Corps in accordance with the Corps General Condition #13, if the project impacts greater than 0.10-acre or 50 linear feet a restoration plan must be submitted and approved by the Department for projects with impacts exceeding 0.10-acre or 50 linear feet.
2. Reimpoundment of previously impounded aquatic sites is not authorized by this nationwide permit.
3. A complete restoration plan indicating the size and location of the areas to be restored, construction activities involved in the restoration program, planting and monitoring plans and description of actions expected to occur from the restoration must be included.
4. When the NWP application includes a mitigation bank proposal, issuance of the NWP will be contingent upon the final approval of a Mitigation Banking Instrument by the Mitigation Banking Review Team and the final signatures of the appropriate agency personnel.

#### Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

### NWP 29 - Single Family Housing

#### Conditions of the 401 Water Quality Certification:

1. The Corps will provide SCDHEC notification by copy furnishing the Preconstruction Notification (PCN), the application package information and the Corps permit tracking number. This will include all the information provided to the Corps in accordance with the Corps General Condition #13, if the discharge of dredged or fill material impacts than 0.10-acre or 50 linear feet. A compensation plan must be submitted and approved by the Department for projects with impacts exceeding 0.10-acre or 50 linear feet.
2. The nationwide permit is not applicable to open water areas.
3. The impounding of water and creating of lakes or ponds is not authorized by this nationwide permit.

#### Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, plus the following conditions, are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

1. The use of this nationwide permit is limited to adjacent wetlands less than one acre in total size.
2. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence. If allowed, the applicant must provide a Wetland Master Plan

consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. The plan must include an identification of all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

#### NWP 31 - Maintenance of Existing Flood Control Facilities

Conditions of the 401 Water Quality Certification:  
(none)

Regional Condition for the Coastal Zone Consistency Certification:  
(none)

#### NWP 32 - Completed Enforcement Actions

Regional Condition for the Coastal Zone Consistency Certification:

1. The Corps will provide SCDHEC notification by copy furnishing the Preconstruction Notification (PCN), the application package information and the Corps permit tracking number. This will include all the information provided to the Corps in accordance with the Corps General Condition #13, if the discharge of dredged or fill material impacts than 0.10-acre or 300 linear feet. A compensation plan must be submitted and approved by the Department for projects with impacts exceeding 0.10-acre or 300 linear feet.

Regional Condition for the Coastal Zone Consistency Certification:

Provided the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

#### NWP 33 - Temporary Construction, Access and Dewatering

Conditions of the 401 Water Quality Certification:

1. The Corps will provide SCDHEC notification by copy furnishing the Preconstruction Notification (PCN), the application package information and the Corps permit tracking number. This will include all the information provided to the Corps in accordance with the Corps General Condition #13, if the discharge of dredged or fill material impacts than 0.10-acre or 300 linear feet. A compensation plan must be submitted and approved by the Department for projects with impacts exceeding 0.10-acre or 300 linear feet.
2. A maximum of 0.50 acre of special aquatic sites, including wetlands, or 100 linear feet of stream may be impacted by this NWP.
3. The structures, etc. must be in place no longer than one year.

Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

#### NWP 36 - Boat Ramps

Conditions of the 401 Water Quality Certification:

1. The width of the boat ramp must be limited to 12 feet, unless otherwise approved by SCDHEC.
2. Only one boat ramp may be constructed on a single piece of property and must be limited to single family or non-commercial, non-profit, recreational use.

Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

NWP 38 - Cleanup of Hazardous and Toxic Waste

Conditions of the 401 Water Quality Certification:

(none)

Regional Conditions of the Coastal Zone Consistency Certification:

(none)

NWP 39 - Residential, Commercial, and Institutional Developments

Conditions of the 401 Water Quality Certification:

1. The Corps will provide SCDHEC notification by copy furnishing the Preconstruction Notification (PCN), the application package information and the Corps permit tracking number. This will include all the information provided to the Corps in accordance with the Corps General Condition #13, if the discharge of dredged or fill material impacts greater than 0.10-acre or 50 linear feet. A compensation plan must be submitted and approved by the Department for projects with impacts exceeding 0.10-acre or 50 linear feet.
2. Projects accessing large tracts under single ownership must include a description of all the related project impacts that may result from the road construction and submit a master plan. The plan must include an identification of all water resource impacts/activities, drainage patterns, conceptual development plans, and a compensation plan, if required in the above conditions.
3. Stream channelization or use of the permit in perennial streams is not authorized.
4. Sedimentation/sediment ponds in special aquatic sites, including wetlands, are not allowed under this NWP.
5. SCDHEC considers a "single and complete project" to mean the overall project proposed or accomplished by a single owner/developer and it includes all land within the project boundary under single ownership/control. It is not interpreted to mean only the land area directly impacted by each NWP request. Impacts to Geographic Areas of Particular Concern (GAPC) sites or adjacent waterbodies or wetlands resulting from an activity will be considered during the review of these actions.

Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

NWP 40 - Agricultural Activities



Conditions of the 401 Water Quality Certification:

1. The Corps will provide SCDHEC notification by copy furnishing the Preconstruction Notification (PCN), the application package information and the Corps permit tracking number. This will include all the information provided to the Corps in accordance with the Corps General Condition #13, if the discharge of dredged or fill material impacts greater than 0.10-acre or 300 linear feet. A compensation plan must be submitted and approved by the Department for projects with impacts exceeding 0.10-acre or 300 linear feet.
2. New drainage tiles, buildings, or relocation of streams is not authorized by this NWP.

Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

NWP 41 - Reshaping Existing Drainage Ditches

Conditions of the 401 Water Quality Certification:

1. The Corps will provide SCDHEC notification by copy furnishing the Preconstruction Notification (PCN), the application package information and the Corps permit tracking number. This will include all the information provided to the Corps in accordance with the Corps General Condition #13, if the discharge of dredged or fill material impacts greater than 0.10-acre or 300 linear feet. A compensation plan must be submitted and approved by the Department for projects with impacts exceeding 0.10-acre or 300 linear feet.
2. Excavated material may not be side cast in aquatic sites, including wetlands.
3. Only resloping of the sides of existing ditches is authorized by the NWP. Deepening or increasing the capacity of the ditch is not allowed.

Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

NWP 43 - Stormwater Management Facilities

Conditions of the 401 Water Quality Certification:

1. The Corps will provide SCDHEC notification by copy furnishing the Preconstruction Notification (PCN), the application package information and the Corps permit tracking number. This will include all the information provided to the Corps in accordance with the Corps General Condition #13, if the discharge of dredged or fill material impacts greater than 0.10-acre or 50 linear feet. A compensation plan must be submitted and approved by the Department for projects with impacts exceeding 0.10-acre or 50 linear feet.
2. Activities authorized by this certification are limited to maintenance of existing facilities, such as stormwater ponds, detention and retention basins, water control structures, outfall structures, emergency spillways, and existing ponds that are proposed for use as quantity or volume control. This NWP cannot be used for existing ponds that are proposed to be converted into stormwater treatment facilities.
3. Impacts for the repair, maintenance, or conversion of existing ponds for use as quantity or volume control can be permitted under this NWP.



Nationwide Permit 401 and CZC General Conditions  
Proposed Modifications

**General Conditions: These conditions apply to all of the nationwide permits (NWP) unless otherwise noted. A project proposed for authorization under a nationwide permit should not be considered unless it meets all of the following general conditions plus any special conditions listed for each NWP.**

1. SCDHEC considers a "single and complete project" to mean the overall project proposed or accomplished by a single owner/developer and it includes all land within the project boundary under single ownership. It is not interpreted to mean only the land area directly impacted by each NWP request. Impacts to Geographical Areas of Particular Concern (GAPC) sites or adjacent waterbodies or wetlands resulting from an activity will be considered during the review of these actions.
2. "After the fact applications" for NWPs will not be accepted by DHEC unless the entire project meets all DHEC conditions for the NWP.
3. The nationwide permits are not applicable to Outstanding Resource Waters, Trout Waters (as defined in R. 61-68) or aquatic sites located adjacent to those areas. The nationwide permits are also not applicable to springheads.
4. The nationwide permits are not applicable to areas identified by SCDHEC as having impaired uses (as defined by Section 303(d) of the Clean Water Act).
5. The applicant must implement best management practices during construction to minimize erosion and migration of sediments off site. These practices may include use of mulches, hay bales, silt fences, or other devices capable of preventing erosion and migration of sediments. These devices must be maintained in a functioning capacity until the area is permanently stabilized upon project completion. All disturbed land surfaces must be stabilized upon project completion. Silt fences must be placed at the toe of all fill material in and adjacent to wetlands and adequately reinforced and installed to prevent failure.
6. Upon project completion, all disturbed riverbeds, stream/creekbeds and/or wetlands must be restored to their original contours and conditions to the maximum degree practicable. All disturbed upland areas must be permanently stabilized with a vegetative cover (native species). This may include sprigging, trees, shrubs, vines or ground cover. Also, wetlands should be revegetated, if necessary.
7. Only clean earthen material free of all potential sources of pollution must be used as fill and all filled areas must be stabilized with a vegetative cover after construction to minimize erosion.
8. All necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters or wetlands.
9. All excess excavated materials must be placed on high land and properly contained and permanently stabilized to prevent erosion (see # 5 above).
10. Excavated material must not be stockpiled in the adjacent wetlands, but placed on barges or on high ground, when possible. If the excavated material is temporarily placed in wetlands, it must be placed at intervals to allow for adequate circulation of water in the adjacent waters, including wetlands.
11. The applicant must comply with any approved County Erosion and Sediment Control and/or Stormwater Ordinances.
12. Any equipment used within the wetland must be equipped with high floatation tires to minimize rutting and compaction, or should be operated from floating barges.

13. Once project construction is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.

14. All nationwide permit applications must be accompanied by a U.S. Army Corps of Engineers surveyed wetland delineation identifying all wetlands (jurisdictional and nonjurisdictional), depressional areas, or other special aquatic sites within the project area.

15. For projects requiring fill in wetlands, the applicant must demonstrate that impacts to wetlands have been avoided; unavoidable impacts to wetland areas have been minimized, and provide suitable compensation for any unavoidable wetland impacts. This sequencing should be presented in all permit applications. Additional sequencing regarding appropriate compensation (onsite, within watershed, outside watershed, etc.) must also be demonstrated. Where compensatory mitigation is required, on-site mitigation, in accordance with the provisions of the S. C. Coastal Zone Management Program in the Coastal Zone, must be pursued if at all possible. Compensatory mitigation must be determined using the USACOE Standard Operating Procedure (SOP), where required by the U.S. Army Corps of Engineers or in a Specific Condition of the 401 or CZC Certification. Mitigation plans must be included in the application submitted to the Corps of Engineers by the applicant and in the package copy furnished to SCDHEC by the Corps. Proof of purchase of mitigation credits or execution of the deed restriction, restrictive covenant, or conservation easement document, if part of the submitted mitigation plan, must be submitted to both the Corps of Engineers and SCDHEC prior to work beginning under the permit issued by the Corps of Engineers. Although the permit may be issued pending resolution of a mitigation plan, the work authorized by that permit may not commence until the mitigation plan is approved and finalized.

16. The applicant must notify the South Carolina Institute of Archaeology and Anthropology in accordance with South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of work. Archaeological remains consist of any materials made or altered by man which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or nonrecent (i.e., older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

17. The applicant must notify the South Carolina Department of Archives and History (Historic Preservation Division, Post Office Box 11669, Columbia, South Carolina 29211) if any archaeological materials are unearthed prior to or during construction. Archaeological materials consists of any items, fifty years or older, which were made or used by man. These items include, but are not limited to stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeleton remains. These materials may be present on the ground surface and/or under the surface of the ground.

18. Use of multiple NWP's on one tract or land parcel must be in accordance with 33 CFR Appendix C - General Condition #15. In those instances where a Preconstruction Notification (PCN) is required to be submitted to the Corps (use of NWP 12 - 40 in combination with another NWP 12 - 40), written or email concurrence must be obtained from DHEC prior to issuance of the multiple NWP's by the Corps.

19. Activities in the Critical Areas (as defined in 48-39-10, R 30.1(D) and R 30.10) require a direct permit from SCDHEC-OCRM. OCRM's action on direct critical area permits will serve as the consistency determination for the critical area activity.